

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a  
BRAZOS LICENSING AND  
DEVELOPMENT,**

**Plaintiff,**

**V.**

**ZTE CORPORATION, ZTE (USA)  
INC., AND ZTE (TX), INC.**

**Defendants.**

§ CIVIL ACTION NO. 6:20-cv-487-ADA  
§ CIVIL ACTION NO. 6:20-cv-488-ADA  
§ CIVIL ACTION NO. 6:20-cv-489-ADA  
§ CIVIL ACTION NO. 6:20-cv-490-ADA  
§ CIVIL ACTION NO. 6:20-cv-491-ADA  
§ CIVIL ACTION NO. 6:20-cv-492-ADA  
§ CIVIL ACTION NO. 6:20-cv-493-ADA  
§ CIVIL ACTION NO. 6:20-cv-494-ADA  
§ CIVIL ACTION NO. 6:20-cv-495-ADA  
§ CIVIL ACTION NO. 6:20-cv-496-ADA  
§ CIVIL ACTION NO. 6:20-cv-497-ADA

## JURY TRIAL DEMANDED

## RESPONSE REGARDING NOTICE OF SUPPLEMENTAL AUTHORITY

The arguments contained in ZTE’s “Notice of Supplemental Authority” are improper briefing, filed without leave, and should be stricken or ignored. ZTE’s pretext for filing a new brief without leave is unpersuasive. *In re Andra* does not represent a change in law. See *In re Andra Group LLP*, Case 20-2009 (Dkt. No. 41, Order) (Fed. Cir. Aug. 3, 2021). Rather, it applies existing law to the specific facts of a specific case. ZTE already had full opportunity to argue the law relating to agency and ratification to the facts of *this* case, which differ from *In re Andra*. ZTE’s belated attempt to re-brief these issues should be rejected.

To the extent this Court is taking “notice” of *In re Andra*, however, it should take notice that the District Court dismissed *only* the Non-Store Defendants. *See* ZTE’s Notice, Ex. A \*3-4. It did not dismiss the “Stores” defendant because it found venue was proper against that defendant. *Id.* This, of course, contradicts ZTE’s incorrect argument, raised for the first time during the hearing on its motion, that if venue is improper as to *any* defendant, a court must dismiss *all* defendants.

Therefore, WSOU respectfully requests that the Court strike ZTE's "notice" because it is not a notice. Rather, it is more briefing filed without leave, filed without even consulting WSOU, and is argumentative.

Dated: August 5, 2021

Respectfully submitted,

By: /s/ Ryan Loveless  
James L. Etheridge  
Texas Bar No. 24059147  
Ryan S. Loveless  
Texas Bar No. 24036997  
**Etheridge Law Group, PLLC**  
2600 E. Southlake Blvd., Suite 120 / 324  
Southlake, TX 76092  
Tel.: (817) 470-7249  
Fax: (817) 887-5950  
Jim@EtheridgeLaw.com  
Ryan@EtheridgeLaw.com

Mark D. Siegmund  
State Bar No. 24117055  
mark@waltfairpllc.com  
Law Firm of Walt, Fair PLLC.  
1508 North Valley Mills Drive  
Waco, Texas 76710  
Telephone: (254) 772-6400  
Facsimile: (254) 772-6432

*Counsel for Plaintiff WSOU Investments, LLC*

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing instrument was served or delivered electronically via the U.S. District Court [LIVE]-Document Filing System to all counsel of record August 5, 2021.

/s/ Ryan Loveless  
Ryan S. Loveless